



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VIII

999 18th STREET - SUITE 300
DENVER, COLORADO 80202-2466

October 8, 2003

Ref: 8ENF-T

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Kevin Brown, Director
Division of Drinking Water
Utah Department of
Environmental Quality
P.O. Box 144810
Salt Lake City, UT 84114-4810

NOTICE OF VIOLATION

Docket No. **SDWA-08-2004-0001**

Re: Town of Joseph
100 N. State
Joseph, UT 84739
PWS ID#4

Dear Mr. Brown:

The above referenced public drinking water system has violated certain provisions of the Safe Drinking Water Act (SDWA), 42 U.S.C. Section 300f, et seq. and the National Primary Drinking Water Regulations at 40 CFR Part 141. The violations consist of failure to install filtration and disinfection within eighteen months of being notified by the State that the system's groundwater source is under the direct influence of surface water; failure to monitor for lead and copper; failure to notify the State of Utah of these violations; and failure to provide public notice of the violations to persons served by this public water system. Our records, obtained from the Utah Department of Environmental Quality (DEQ), indicate the violations noted below.

Date of
Violation

Violation

February 1999	Failure to install filtration and disinfection following notification, in a July 31, 1997 letter from the Utah DEQ, that the system's groundwater source of drinking water is under the direct influence of surface water.
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2000 Failure to monitor for lead and copper.

1999-2003 Failure to provide public notice of the violations.

1999-2000 Failure to notify the state of the violations.

This NOTICE OF VIOLATION is issued pursuant to Section 1414(a) of the SDWA, 42 U.S.C. Section 300g-3(a). If the State does not commence an appropriate enforcement action within 30 days from the receipt of this notification, the EPA will be authorized either (1) to issue an Administrative Order under Section 1414(g) of the SDWA requiring the public water system to comply with the regulations or requirements or (2) to commence a civil action under Section 1414(b) of the SDWA.

A copy of this NOTICE OF VIOLATION is being sent concurrently to the system identified above. Also enclosed for the benefit of the public water system is a copy of EPA's Small Business Regulatory Enforcement and Fairness Act (SBREFA) information sheet, U.S. EPA Small Business Resources, containing information on compliance assistance resources and tools available to small businesses. Small governments are also included under SBREFA, and the enclosed fact sheet discusses resources that may be available to small governments. Also, there is a compliance assistance center for small governments, the Local Government Environmental Assistance Network (LGEAN). LGEAN can be accessed at www.lgean.com or by calling (877) 865-4326. SBREFA does not eliminate any public water system's responsibility to comply with the SDWA nor does it create any new rights or defenses under law.

Please notify Kathelene Brainich of my staff at (303) 312-6481 within 20 days if your records show any discrepancies with these determinations of violation, if there is any change in the compliance status of this system, or if you have any questions or other comments. Thank you for your cooperation in this matter.

Sincerely,

SIGNED

Diane L. Sipe, Director
Technical Enforcement Program
Office of Enforcement, Compliance
and Environmental Justice

Enclosure - SBREFA (to the Town)

cc: Bob Owen, Mayor, Town of Joseph
Ken Bousfield, DW UT DEQ

**IF YOU WOULD LIKE A COPY OF THE ATTACHMENT, PLEASE CONTACT THE
REGIONAL HEARING CLERK.**

THIS DOCUMENT WAS FILED IN THE RHC'S OFFICE ON OCTOBER 8, 2003.